IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 12446 of 2005

Between:

Acha Rajaiah, S/o. Pedda Mallaiah,
R/o. Nelki Venkatapur Village,

Dandepalli Mandal, Adilabad District.

..... PETITIONER

AND

1 The District Collector,

Adilabad, Adilabad District.
2 The Agent to the Government and Project Officer,

ITDA, Utnoor, Adilabad District.
3 The Special Deputy Collector (Tribal Welfare),

Utnoor, Adilabad District.
4 The Mandal Revenue Officer,

Dandepalli Mandal, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or Direction, more particularly a Writ in the nature of Mandamus declaring the action of the respondents in trying to dispossess the petitioner from the land to an extent of Ac. 1.78 gts, in Sy.No. 94/E of Nelki Venkatapur village of Dandepalli Mandal, Adilabad District in pursuance of the orders passed by the 3rd respondent in Case No. TWA1/30/2004, dated 29-12-2004 as illegal, arbitrary and

unjust and consequently direct the respondents not to dispossess the Petitioner from the above land pending disposal of the statutory appeal preferred before the 2nd respondent in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: MR.S.SURENDER REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the second respondent in not passing any orders in the stay petition pending disposal of the appeal, which was filed against the orders of the third respondent dated 29-12-2004.

2. It is stated that the petitioner is the owner of the land of an extent of Ac.01-78 gts. in Sy.No.94/E situated at Nelki Venkatapur, Dandepalli Mandal, Adilabad District. However, the third respondent initiated proceedings under the Land Transfer Regulations alleging that the petitioner, who is a non-tribal is in possession of the said land contrary to the Regulations. After initiating the proceedings and after conducting necessary enquiry, an order was passed ordering ejectment of the petitioner from the said land. Aggrieved by that, the petitioner filed an appeal on 23-02-2005 along with a stay petition, but the second respondent did not pass any orders on the stay petition. Meanwhile, the 3rd and 4th respondents are trying to dispossess the petitioner. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. Without going into the merits of the matter, the respondents are directed not to evict the petitioner, if he is in possession of the schedule land as on date, till

the disposal of the appeal by the second respondent. The second respondent is also directed to dispose of the appeal expeditiously.

5. The writ petition is accordingly disposed of. No order as to costs.

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S.ANANDA REDDY, J

14th June, 2005

Note:

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Furnish C.C. by tomorrow.

B/o.

SKM

To

1 The District Collector,

Adilabad, Adilabad District.
2 The Agent to the Government and Project Officer,

ITDA, Utnoor, Adilabad District.
3 The Special Deputy Collector (Tribal Welfare),

Utnoor, Adilabad District.
4 The Mandal Revenue Officer,

Dandepalli Mandal, Adilabad District.

5 Two C.Cs. to G.P. for Social Welfare,

High Court Buildings, High Court of A.P., Hyderabad (OUT)

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